

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00146

MICHAEL TRACY GARNETT

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On May 23, 2013, the United States of America appeared by Jennifer Rada, Assistant United States Attorney, and the defendant, Michael Tracy Garnett, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Troy A. Lanham. The defendant commenced a two-year term of supervised release in this action on March 16, 2012, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on April 15, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed methamphetamine as evidenced by his admission to the probation officer on June 27, 2012, that he had used methamphetamine more than twenty times during the month of June 2012 and positive urine specimens submitted by him on January 23, March 11 and April 24, 2013, the defendant having also admitted to the probation officer on those occasions that he had used methamphetamine; (2) the defendant failed to submit monthly reports for the months of April, May and June 2012; (3) the defendant frequented places where methamphetamine was illegally sold, used and distributed as evidenced by his admission to the probation officer on March 11 and April 24, 2013, that he had done so; (4) the defendant failed to appear for urinalysis as instructed on June 6, 11, 15 and 22, 2012, and March 8 and April 18, 2013; and (5) the defendant failed to appear for substance abuse treatment sessions as instructed on June 16, November 3 and 17, 2012, January 5, 12 and 19, 2013, and on April 20, 2013, the defendant appeared for treatment, but became angry and walked out of the session; all as admitted by the defendant on

the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

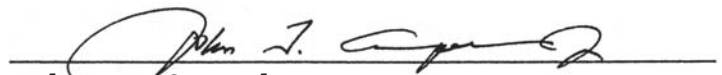
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of THREE (3) MONTHS, to be followed by a term of twenty-one (21) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit

another federal, state or local crime and the special condition that he spend six months in a community confinement center, follow the rules and regulations of the facility, and participate in drug abuse counseling and treatment as instructed. The defendant shall report directly from his place of incarceration to the community confinement center by Ms. Profitt as set forth on the record of the hearing.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 3, 2013


John T. Copenhaver, Jr.
United States District Judge